IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

MBA ENGINEERING, INC., as	§	
Sponsor and Administrator of the	§	
MBA ENGINEERING, INC.	§	
EMPLOYEES 401(K) PLAN and	§	
the MBA ENGINEERING, INC.	§	
CASH BALANCE PLAN, and	§	
CRAIG MEIDINGER, as Trustee	§	
of the MBA Engineering, Inc.	§	
Employees 401(K) Plan and the	§	
MBA Engineering, Inc. Cash	§	
Balance Plan, Individually and as	§	
representative of all others similarly	§	
situated,	§	
	§	
Plaintiffs,	§	
	§	
V.	§	Civil Action No. 3:20-cv-01915-E
	§	
MATRIX TRUST COMPANY and	§	
MATRIX SETTLEMENT AND	§	
CLEARANCE SERVICES, LLC,	§	
	§	
Defendants.	§	

CLASS CERTIFICATION SCHEDULING ORDER

Pursuant to the Parties' Amended Joint Status Report (Doc. 30), Rule 16(b) of the Federal Rules of Civil Procedure, the Local Rules of this Court, and the Civil Justice Expense and Delay Reduction Plan for the Northern District of Texas, the Court **ORDERS** as follows:

1. Plaintiffs shall file their motion for class certification by **February 1, 2002**. The motion must comply with Local Rule 23.2 (except paragraph (f)) and must be accompanied by a supporting brief and all supporting evidence, including expert testimony, if any. Defendants shall file their response to Plaintiffs' motion for class certification, including a supporting brief and all supporting evidence, by **May 2, 2022**, and Plaintiffs shall file their reply to Defendants'

response, including a supporting brief and any rebuttal evidence, by **June 1, 2022**. By separate order, the Court may, in its discretion, set a hearing on class certification.

- 2. Any motions requesting leave to join additional parties or amend pleadings under Federal Rule 15(a) shall be filed by **October 22, 2021**. Any motion for leave to amend pleadings after that date must show good cause pursuant to Federal Rule 16(b).
- 3. The parties shall exchange Rule 26(a)(1) initial disclosures on or before **June 21**, **2021**.
- 4. Discovery may begin immediately. All written discovery must be sent in a timely manner to ensure that responses pertaining to class certification are due in time for the certification filing deadlines to be met.
 - a. Defendants shall serve written responses to Plaintiff's First Requests for the Production of Documents on or before **June 28, 2021**.
 - b. Depositions are limited to two (2) depositions per side prior to the Court's ruling on Plaintiffs' class certification motion. After such time, Plaintiffs may take the additional eight depositions provided for under the Federal Rules of Civil Procedure. Experts shall not count towards this limit. Depositions under Federal Rule of Civil Procedure 30(b)(6) shall count as one for purposes of this limit, regardless of how many persons a party designates to testify on its behalf.
- 5. Plaintiffs shall file a written designation of the name and address of each expert witness in connection with class certification, if any, and otherwise comply with Federal Rule of Civil Procedure 26(a)(2) on or before **February 1, 2022**. Defendants shall file a written designation of the name and address of each expert witness in connection with class certification, if any, and otherwise comply with Federal Rule of Civil Procedure 26(a)(2) on or before **March**

1, 2022. The parties shall complete depositions of class certification experts on or before April

1, 2022.

6. After ruling on the issue of class certification, the Court will issue a separate

scheduling order to address the deadlines for the remainder of this case.

7. This Order controls the disposition of this case unless it is modified by the Court

on a showing of **good cause** and by **leave of court**. Fed. R. Civ. P. 16(b)(4).

8. Questions about this Order or any other matters related to this case should be

directed by email to the Court at Cynthia. Thornton@txnd.uscourts.gov. If you choose to

email the Court, include the case name and number, as well as your name and number. Also,

make sure to "cc" opposing counsel on your email to the Court. If you do not "cc" opposing

counsel, you will not receive a response to your email.

There appears to be no further reason at this time to maintain the file as open for

statistical purposes. The Clerk is therefore instructed to submit a JS-6 form to the Administrative

Office, thereby removing this case from the statistical records. Nothing in this Order shall be

considered a dismissal or disposition of this case.

SO ORDERED; signed May 21, 2021.

ADA BROWN

UNITED STATES DISTRICT JUDGE